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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,913	02/03/2006	Wolfgang Dahms	B-7252	4573

7590 04/28/2010
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EXAMINER

WONG, EDNA

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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04/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,913	Applicant(s) DAHMS ET AL.	
	Examiner EDNA WONG	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is in response to the Amendment dated March 12, 2010. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Response to Arguments

Election/Restrictions

This application contains claim **27** drawn to an invention nonelected with traverse in the reply filed on April 21, 2009. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

The disclosure has been objected to because of minor informalities.

The objection of the disclosure has been withdrawn in view of Applicants' amendment.

Claim Objections

Claims **25 and 26** have been objected to because of minor informalities.

The objection of claims 25 and 26 has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 112

I. Claims **16 and 20** have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claims 16 and 20 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicants' amendment.

II. Claims **1-20, 24-26 and 28** have been rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: copper.

The rejection of claims 1-20, 24-26 and 28 has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 102/103

Solution

I. Claims **1-3, 8-16, 19-20 and 28** have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Cobley et al.** (US Patent No. 6,652,731 B2).

With regards to claim **2**, the rejection under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cobley et al. has been

withdrawn in view of Applicants' amendment.

With regards to claims **1, 3, 8-16, 19-20 and 28** under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cobley et al. is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the following reasons:

Applicants state that the concentration used according to the present invention is much lower than the concentration taught to be used in Cobley et al. (or even Gabe et al.). It is for this reason that the solution as claimed is not anticipated by either Cobley et al. or Gabe et al.

In response, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments (MPEP § 2123 (II)).

Present claim 1, lines 13-14, recite:

“wherein the concentration of the at least one aromatic halogen derivative having the formula (I) ranges from about 0.005 to **about 0.9 mg/l**”.

Cobley teaches that the aldehyde compounds are added in amounts of generally from about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 6, lines 64-65), and Gabe teaches that the alcohols are added in amounts of generally from about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 8, lines 37-38).

The word “about” permits some tolerance or flexibility to the claimed range. *In re*

Ayers 69 USPQ 109 and *In re Erickson* 145 USPQ 207 (MPEP § 2173.05(b)(A)).

Thus, “about 0.9 mg/l” reads on 1 mg/l, and “about 1 mg/l” reads on 0.9 mg/l.

Thus, if the composition is physically the same, it must have the same properties. Products of identical chemical composition can not have mutually exclusive properties. A chemical composition and its properties are inseparable (MPEP § 2112.01(II)).

Furthermore, there is no evidence that a difference of 0.1 mg/l (= 1 mg/l - 0.9 mg/l) would have produced new and unexpected results which are different in kind and not merely in degree from results of the prior art, such ranges are termed “critical” ranges and Applicant has the burden of proving such criticality; even though Applicant’s modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within capabilities of one skilled in the art; more particularly, where general conditions of the claim are disclosed in the prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) [MPEP § 2144.05].

Applicants state that the experiments show that the concentration of the additives used is very sensitive to the quality of the coating obtained. If the concentration is large, the quality is such that the coatings obtained are not satisfactory for decorative purposes, whereas, with low level application of the additives, excellent results are achieved.

In response, the experiments are not commensurate in scope with the teachings

of Cobley (col. 6, lines 64-65) and Gabe (col. 8, lines 37-38).

Applicants state that both Cobley et al. and Gabe et al. teach using a relatively large concentration. In fact, both references use the additives, Cobley et al. use aldehyde compounds and Gabe et al. use alcohols, to inhibit or retard or prevent or reduce the consumption degradation of plating bath additives, which is due to oxidation of the additives (for example, Cobley et al.: col. 10, lines 1-6). In order to do so, it is well-understood by those of ordinary skill in the art, that the concentration of the compounds to inhibit the degradation of the other additives must be present in a much larger amount than the latter additives because they are consumed while inhibiting, retarding, preventing or reducing consumption/degradation of the plating bath additives. Contrary to this, the aromatic halogen derivatives of the present invention are active agents which directly interact with the plating process and whose purpose is not to reduce or prevent degradation of the bath additives. Therefore, the compounds are not required to be present in the plating solution in a large amount.

In response, the Applicant has a different reason for, or advantage resulting from doing what the prior art relied upon has suggested, it is noted that it is well settled that this is not demonstrative of nonobviousness. *In re Kronig* 190 USPQ 425, 428 (CCPA 1976); *In re Linter* 173 USPQ 560 (CCPA 1972); the prior art motivation or advantage may be different than that of Applicants while still supporting a conclusion of obviousness. *In re Wiseman* 201 USPQ 658 (CCPA 1979); *Ex parte Obiaya* 227 USPQ

58 (Bd. of App. 1985) [MPEP § 2144].

Applicants state that due to the different action, those skilled in the art would not consider it appropriate to use the aldehyde compounds of Cobley et al. and the alcohols of Gabe et al. at a lower concentration as indicated in these references.

In response, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. Denied*, 469 U.S. 851 (1984). In addition, a known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use, see *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Further, a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments, see *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), *cert. denied*, 493 U.S. 975 (1989). See MPEP § 2123, § 2141.02, and § 2145(X)(D)(1).

Applicants state that the cited references actually teach away from the Applicant's present invention. The applicable legal precedent supports the Applicant's position against the rejection because each reference actually teaches away from what is claimed as the Applicant's invention.

In response, Present claim 1, lines 13-14, recite:

“wherein the concentration of the at least one aromatic halogen derivative having the formula (I) ranges from about 0.005 to **about 0.9 mg/l**”.

Cobley teaches that the aldehyde compounds are added in amounts of generally from about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 6, lines 64-65), and Gabe teaches that the alcohols are added in amounts of generally from about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 8, lines 37-38).

The word “about” permits some tolerance or flexibility to the claimed range. *In re Ayers* 69 USPQ 109 and *In re Erickson* 145 USPQ 207 (MPEP § 2173.05(b)(A)).

Thus, “about 0.9 mg/l” reads on 1 mg/l, and “about 1 mg/l” reads on 0.9 mg/l.

The prior art’s mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed (MPEP § 2141.02).

Method

II. Claims **24-26** have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Cobley et al.** (US Patent No. 6,652,731 B2) as applied to claims 1-3, 8-16, 19-20 and 28 above.

The rejection of claims 24-26 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cobley et al. as applied to claims 1-

3, 8-16, 19-20 and 28 above is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

Solution

III. Claims **1-2, 4-16, 19-20 and 28** have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Gabe et al.** (US Patent No. 6,773,573 B2).

With regards to claim **2**, the rejection under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gabe et al. has been withdrawn in view of Applicants' amendment.

With regards to claims **1, 4-16, 19-20 and 28**, the rejection under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gabe et al. is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the following reasons:

Applicants state that as discussed above in support of the patentability of the Applicant's present invention over the Cobley et al. reference, the present invention also should be patentable over Gabe et al.

In response, the rejection has been maintained for the reasons as discussed

above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

Method

IV. Claims **24-26** have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Gabe et al.** (US Patent No. 6,773,573 B2) as applied to claims 1-2, 4-16, 19-20 and 28 above.

The rejection of claims 24-26 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gabe et al. as applied to claims 1-2, 4-16, 19-20 and 28 above is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

Claim Rejections - 35 USC § 103

Solution

I. Claim **7** has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobley et al.** (US Patent No. 6,652,731 B2) as applied to claims 1-3, 8-16, 19-20 and 28 above.

The rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Cobley et al. as applied to claims 1-3, 8-16, 19-20 and 28 above is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

II. Claims **17 and 18** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobley et al.** (US Patent No. 6,652,731 B2) as applied to claims 1-3, 8-16, 19-20 and 28 above, and further in view of **Todt et al.** (US Patent No. 3,743,584).

The rejection of claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Cobley et al. as applied to claims 1-3, 8-16, 19-20 and 28 above, and further in view of Todt et al. is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

III. Claims **17 and 18** have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Gabe et al.** (US Patent No. 6,773,573 B2) as applied to claims 1-2, 4-16, 19-20 and 28 above, and further in view of **Todt et al.** (US Patent No. 3,743,584).

The rejection of claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Gabe et al. as applied to claims 1-2, 4-16, 19-20 and 28 above, and further in view of Todt et al. is as applied in the Office Action dated November 12, 2009 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

Response to Amendment

Claim Rejections - 35 USC § 112

Claim **29** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 29

lines 1-7, recite "wherein, when R1-6 is COH and the radical at a position para to the COH is OH, the radical at the ortho position relative to the COH is a radical other than chlorine, wherein, when R1-6 is COH and the radical at the position ortho to the COH is chlorine, the radical at the position para to the COH is a radical other than OH, and wherein, when a OH radical is at a meta position relative to the position of a radical

that is chlorine, COH is not at an ortho position relative to said chlorine radical”.

Applicants’ original specification, pages 1-17, does not disclose wherein, when R1-6 is COH and the radical at a position para to the COH is OH, the radical at the ortho position relative to the COH is a radical other than chlorine, wherein, when R1-6 is COH and the radical at the position ortho to the COH is chlorine, the radical at the position para to the COH is a radical other than OH, and wherein, when a OH radical is at a meta position relative to the position of a radical that is chlorine, COH is not at an ortho position relative to said chlorine radical. Thus, there is insufficient written description to inform a skilled artisan that applicant was in possession of the claimed invention as a whole at the time the application was filed.

The Examiner has carefully considered the entire specification as originally filed, however, there is found no literal support in the specification for the newly added claim. Applicants have not provided the page number and line numbers from the specification as to where the newly added limitations are coming from. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff’d mem.* 738 F.2d 453 (Fed. Cir. 1984).

Claim Rejections - 35 USC § 103

I. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobley et al.** (US Patent No. 6,652,731 B2) as applied to claims 1, 3, 8-16, 19-20 and 28 above.

Cobley is as applied above and incorporated herein.

The solution of Cobley differs from the instant invention because Cobley does not

disclose wherein the concentration of the at least one aromatic halogen derivative ranges from about 0.005 to **about 0.5 mg/l**, as recited in claim 2.

Cobley teaches that the aldehyde compounds are added in amounts of generally fro about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 6, lines 64-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the concentration of the at least one aromatic halogen derivative described by Cobley with wherein the concentration of the at least one aromatic halogen derivative ranges from about 0.005 to about 0.5 mg/l because the word “about” permits some tolerance or flexibility to the claimed range. *In re Ayers* 69 USPQ 109 and *In re Erickson* 145 USPQ 207 (MPEP § 2173.05(b)(A)).

Thus, “about 0.5 mg/l” reads on 1 mg/l, and “about 1 mg/l” reads on 0.5 mg/l.

Thus, if the composition is physically the same, it must have the same properties. Products of identical chemical composition can not have mutually exclusive properties. A chemical composition and its properties are inseparable (MPEP § 2112.01(II)).

Furthermore, there is no evidence that a difference of 0.5 mg/l (= 1 mg/l - 0.5 mg/l) would have produced new and unexpected results which are different in kind and not merely in degree from results of the prior art, such ranges are termed “critical” ranges and Applicant has the burden of proving such criticality; even though Applicant’s modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within capabilities of one skilled in the art; more

particularly, where general conditions of the claim are disclosed in the prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) [MPEP § 2144.05].

II. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gabe et al.** (US Patent No. 6,773,573 B2) as applied to claims 1, 4-16, 19-20 and 28 above.

Gabe is as applied above and incorporated herein.

The solution of Gabe differs from the instant invention because Gabe does not disclose wherein the concentration of the at least one aromatic halogen derivative ranges from about 0.005 to **about 0.5 mg/l**, as recited in claim **2**.

Gabe teaches that the alcohols are added in amounts of generally from about 0.001 g/l to about 100 g/l (= **about 1 mg/l** to about 100,000 mg/l) of bath (col. 8, lines 37-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the concentration of the at least one aromatic halogen derivative described by Gabe with wherein the concentration of the at least one aromatic halogen derivative ranges from about 0.005 to about 0.5 mg/l because the word “about” permits some tolerance or flexibility to the claimed range. *In re Ayers* 69 USPQ 109 and *In re Erickson* 145 USPQ 207 (MPEP § 2173.05(b)(A)).

Thus, “about 0.5 mg/l” reads on 1 mg/l, and “about 1 mg/l” reads on 0.5 mg/l.

Thus, if the composition is physically the same, it must have the same properties.

Products of identical chemical composition can not have mutually exclusive properties.

A chemical composition and its properties are inseparable (MPEP § 2112.01(II)).

Furthermore, there is no evidence that a difference of 0.5 mg/l (= 1 mg/l - 0.5 mg/l) would have produced new and unexpected results which are different in kind and not merely in degree from results of the prior art, such ranges are termed "critical" ranges and Applicant has the burden of proving such criticality; even though Applicant's modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within capabilities of one skilled in the art; more particularly, where general conditions of the claim are disclosed in the prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) [MPEP § 2144.05].

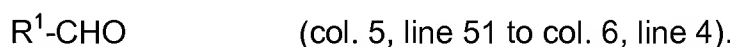
III. Claim **29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobley et al.** (US Patent No. 6,652,731 B2) as applied to claims 1, 3, 8-16, 19-20 and 28 above.

Cobley is as applied above and incorporated herein.

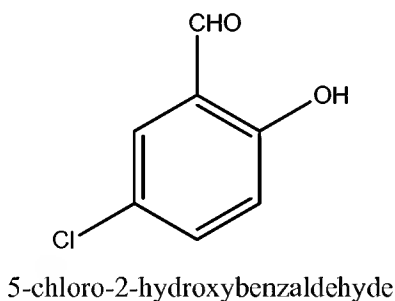
The solution of Cobley differs from the instant invention because Cobley does not disclose wherein, when R1-6 is COH and the radical at a position para to the COH is OH, the radical at the ortho position relative to the COH is a radical other than chlorine, wherein, when R1-6 is COH and the radical at the position ortho to the COH is chlorine, the radical at the position para to the COH is a radical other than OH, and wherein,

when a OH radical is at a meta position relative to the position of a radical that is chlorine, COH is not at an ortho position relative to said chlorine radical, as recited in claim **29**.

Cobley teaches that suitable aldehydes include compounds having the following formula:



The 2-chloro-4-hydroxybenzaldehyde is an example of a preferred compound covered by the foregoing formula (col. 6, lines 26-36). Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments (MPEP § 2123 (II)). Thus, there is no reason why the compound cannot be a compound of:



which would have satisfied the formula that Cobley had proposed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNA WONG whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edna Wong/
Primary Examiner
Art Unit 1795

EW
April 25, 2010